

IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF MARYLAND

In Re: KBR, Inc., Burn Pit Litigation

8:09-MD-02083-RWT

**CASE MANAGEMENT ORDER NO. 1**

WHEREAS, 47 actions have been transferred to this district (collectively, the “Actions”) that assert claims against Defendants Kellogg Brown & Root, LLC, KBR, Inc., Kellogg, Brown & Root Services, Inc., KBR Holdings, LLC, Kellogg Brown & Root International Inc., DII Industries, LLC, Halliburton Energy Services, Inc., and Halliburton Company (collectively “Defendants”) related to alleged injuries as a result of Defendants’ operation of burn pits and provision of water supplies in Iraq and Afghanistan;

WHEREAS, in an effort to effectively manage this litigation and move this litigation forward in an efficient manner for purposes of all pre-trial matters,

IT IS, this 14<sup>th</sup> day of October, 2010, ORDERED:

**A. Appointment of Counsel**

The Court held on February 23, 2010, that Susan L. Burke of Burke PLLC should hold the positions of Lead and Liaison Counsel (“Lead/Liaison Counsel”). The Court finds that there is no need to appoint additional counsel to these responsibilities at the present time.

**B. Responsibilities And Authority Of Lead/Liaison Counsel**

Lead/Liaison Counsel shall be generally responsible for conducting the prosecution of the litigation before this Court on behalf of plaintiffs, and shall include the following:

(1) determining and presenting (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the plaintiffs on all matters arising during pretrial proceedings (no motions request for discovery, or

other pre-trial proceedings in this litigation shall be initiated or filed except through Lead/Liaison Counsel);

- (2) coordinating the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure and Orders of this Court, including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;
- (3) supervising the efforts of other counsel or committees of counsel, in their discretion, in a manner to ensure that pretrial preparation for the plaintiffs is conducted efficiently and effectively;
- (4) maintaining adequate time and disbursement records for plaintiffs' counsel;
- (5) monitoring the activities of all plaintiffs' counsel to ensure that schedules set by this Court are met and unnecessary expenditures of time and funds are avoided, including the avoidance of unnecessary or duplicative communications among plaintiffs' counsel;
- (6) conducting settlement negotiations on behalf of plaintiffs;
- (7) entering into stipulations with opposing counsel as necessary for the conduct of the litigation before this Court;
- (8) performing such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or authorized by further order of the Court;
- (9) receiving and, as appropriate, distributing Orders from the Court, and accepting service from defendants on behalf of all plaintiffs' counsel;
- (10) assessing common litigation costs and collecting assessments as appropriate and necessary;

(11) executing the Orders of the Court directed to plaintiffs concerning the conduct of the litigation. This includes participating in drafting pleadings, motions, oral argument, written discovery, depositions, or pre trial preparation and settlement. Lead/Liasion Counsel may organize and delegate to other plaintiffs' counsel other matters to the extent appropriate for the efficient prosecution of the case;

(12) working to ensure that all filings and other activities are taken in full conformity with the requirements of all applicable local rules and any individual requirements of the Court; and

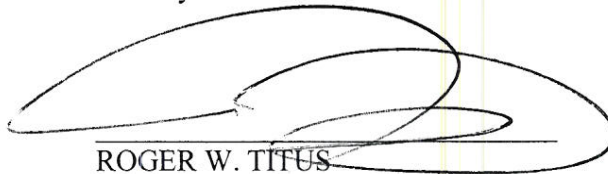
(13) working with other plaintiffs' counsel to ensure that the case is handled efficiently and cost effectively, and to ensure that only work assigned by Lead/Liaison Counsel is performed.

**C. Agreements With Lead/Liaison Counsel**

Defendants' counsel may rely upon all agreements and representations made with or by Lead/ Liaison Counsel in connection with the prosecution of the Actions before this Court.

**D. Privileges Preserved**

No communication among plaintiffs' counsel or among defendants' counsel shall be taken as waiver of any privilege or protection to which they would otherwise be entitled.

A handwritten signature in black ink, appearing to read "Roger W. Titus", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

ROGER W. TITUS  
UNITED STATES DISTRICT JUDGE